

REMARKS:

Applicant has carefully studied the nonfinal Examiner's Action of September 16, 2004, and all references cited therein. These explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

Applicant acknowledges the quotation of 35 U.S.C § 112, first paragraph.

Claims 1-11, 24-28, 29, 41-45, 53-57, 58, 59, 60-62 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Office has rejected the cited claims for the use of the term, "non-data aided correlation", contending that the term is not illustrated and supported by the specification.

Applicant respectfully traverses the finding of the Office.

The specification includes support for the term, "non-data aided correlation", at paragraphs [0017] and [0043] of the specification. Support for the terminology is also provided in the original claims as filed, including claim 5, claim 14, claim 33 and claim 43. Additionally, as stated in the amendment filed in response to the Office Action mailed on April 7, 2004, correlation is known in the art to be a non-data aided method and as such, the specification describes the subject matter in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For the reasons cited above, claims 1-11, 24-28, 29, 41-45, 53-57, 58, 59, 60-62 are believed to be in condition for allowance.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Applicant acknowledges the quotation of 35 U.S.C § 112, second paragraph.

Claims 41-57 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office states that claims 41-57 recite an improved system for estimating a timing offset that is considered as a single means claim since the claim does not seem to appear in combination with another recited element or means. As such, the Office contends that claims 41-57 are non-enabling.

Claim 41 has been amended to more clearly recite that which the Applicant regards as the invention. As such, claim 41 now recites an improved system for estimating a timing offset including a timing offset estimator adapted to estimate a timing offset utilizing non-data aided correlation with an entire received DMT frame, the timing offset estimator further comprising, an interpolator adapted to perform interpolation on an entire received DMT frame and a correlator adapted to estimate an integer timing offset and a fractional timing offset from the entire received DMT frame utilizing non-data aided correlation. Support for the amendment to claim 41 is provided throughout the specification, and specifically at paragraph [0044] and claim 43 as originally filed.

For the reasons cited above, amended claim 41 is now believed to be in condition for allowance. Claims 42-45 are dependent upon claim 41, and are therefore allowable as a matter of law.

Claim 46 has been amended to more clearly recite that which the Applicant regards as the invention. Support for the amendment to claim 46 can be found in the specification at paragraph [0047] and in the drawings and claims as originally filed.

While the Office has rejected claims 46-57, citing the indefiniteness of claim 41, claims 46-57 are not dependent upon claim 41. As such, Applicant traverses the finding of the Office regarding the 35 U.S.C. 112, second paragraph rejection of claims 46-57. Claims 46-57 are believed to be in condition for allowance.

Applicant acknowledges the allowance of claims 12-23, 30-40 and 63-66.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

Dated: November 16, 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment F is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2637, Attn.: Khai Tran, (703) 872-9314
November 16, 2004.

Dated: November 16, 2004

Deborah Preza
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